

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

LINDSAY DAVIS and)
BENJAMIN DAVIS,)
)
Plaintiffs,)
)
v.) CASE NO.: 7:17-CV-1533-LSC
)
J. MICHAEL WHITE, ET. AL) OPPOSED
)
Defendants,)

**MOTION TO STRIKE DEPOSITION NOTICE
AND TO STAY DISCOVERY**

Defendants J. Michael White, Eco-Preservation Services LLC, Serma Holdings, LLC, Aketa Management Group, and Knobloch, Inc., as well as several other Defendants, have pending motions to dismiss the Complaints in these three cases that are based in large part on Rules 8, 10, and 12.

As the Court also knows, deficient Complaints do “not unlock the doors of discovery for a plaintiff,” Ashcroft v. Iqbal, 556 U.S. 662, 681 (2009) and motions to dismiss them must be resolved before discovery begins. Odion v. Google, Inc., 628 Fed. Appx 635, 639 (11th Cir. 2015). See also, Inman v. American Paramount Financial, 517 Fed. Appx. 744, 748 (11th Cir. 2013) (“Consequently, ‘neither the parties nor the court have any need for discovery before the court rules on [a]

motion [to dismiss]’’’), quoting, Chudasama v. Mazda Motor Corp., 123 F. 3d 1353, 1367 (11th Cir. 1997).

In spite of this, the Plaintiffs’ counsel have issued a deposition notices scheduling the deposition of Defendant EOS Utility Services LLC for August 20, 2018. The undersigned has unsuccessfully attempted to convince Plaintiffs’ counsel to cancel this deposition or at least delay it until the aforementioned motions are resolved. Therefore, the Movants request this Court to strike that deposition notice, and to stay discovery.



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CERTIFICATE OF SERVICE

I hereby certify that on July 30th, 2018, I electronically filed the foregoing with the Clerk of the Court using the EM/ECF system which will send notification of such filing to all parties, and I hereby certify that, to the best of my knowledge and belief, there are no non-CM/ECF participants to whom the foregoing is due to be mailed by way of the United States Postal Service.



Christopher Lyle McIlwain, Sr. (MCI-002)